

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76705226
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/76705226/large
LITERAL ELEMENT	BEE LEAF
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	Color is not claimed as a feature of the mark.
GOODS AND/OR SERVICES SECTION (018)(current)	
INTERNATIONAL CLASS	018
DESCRIPTION	
Tote bags, wine bags, hand bags, sport bags, back packs, toiletry cases, empty cosmetic bags, yoga bags; insulated bags/containers for use with food and beverage; paper goods/printed matter, namely, posters, greeting cards, small and large notebooks, bumper stickers, stationery, protective covers for books; clothing, namely, t-shirts, sweatshirts, hats, caps, pants, shorts, socks, scarves, mittens; children's and baby clothing, namely, shirts, pants, shorts, rompers, pajamas, jackets, bibs, yoga clothing, bandannas, zipper pulls; doll accessories, namely, bags; and tire covers	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (018)(proposed)	
INTERNATIONAL CLASS	018
TRACKED TEXT DESCRIPTION	
Tote bags, wine bags, hand bags, sport bags, back packs, toiletry cases, empty cosmetic bags, yoga bags; <u>Tote bags, wine bags with handles for carrying or holding wine, handbags, sport bags, back packs, toiletry cases sold empty, empty cosmetic bags, yoga bags namely general purpose bags for carrying yoga equipment.</u> ; insulated bags/containers for use with food and beverage; paper goods/printed matter, namely, posters, greeting cards, small and large notebooks, bumper stickers, stationery, protective covers for books; clothing, namely, t-shirts, sweatshirts, hats, caps, pants, shorts, socks, scarves, mittens; children's and baby clothing, namely, shirts, pants, shorts, rompers, pajamas, jackets, bibs, yoga	

~~clothing, bandannas, zipper pulls; doll accessories, namely, bags; and tire covers~~

FINAL DESCRIPTION

Tote bags, wine bags with handles for carrying or holding wine, handbags, sport bags, back packs, toiletry cases sold empty, empty cosmetic bags, yoga bags namely general purpose bags for carrying yoga equipment.

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (021)(class added)

INTERNATIONAL CLASS

021

DESCRIPTION

Insulated bags and containers for use with food and beverage for domestic use.

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (026)(class added)

INTERNATIONAL CLASS

026

DESCRIPTION

Zipper pulls.

FILING BASIS

Section 1(b)

ADDITIONAL STATEMENTS SECTION

**COLOR(S) CLAIMED
(If applicable)**

The color(s) green and black is/are claimed as a feature of the mark.

**DESCRIPTION OF THE MARK
(and Color Location, if applicable)**

The mark consists of the words BEE LEAF in black with a green and black leaf sprouting from the "L" in LEAF.

MISCELLANEOUS STATEMENT

This Request for Reconsideration is being submitted in response to the Final Office Action dated March 10, 2015. The time period for Response extends to and includes September 10, 2015. Applicant has simultaneously filed a Notice of Appeal and has requested suspension thereof, pending the review of this Request for Reconsideration. In the Final Office Action, the Examining Attorney raised a number of issues with respect to the subject goods covered by the Application, as well as the color claim and color description of the subject mark. In response, Applicant has added the goods in International Class 21 and 26 to the Application, namely, insulated bags and containers for use with food and beverage for domestic use and zipper pulls, respectively. Applicant has also submitted the requisite government filing fee in support of same. Applicant also amended the goods in International Class 18 as the Examining Attorney requested. Lastly, as Applicant is claiming color as a feature of the subject mark, Applicant has amended the Application to submit the requisite color claim and revised description for the subject mark, as provided by

	the Examining Attorney. All issues raised in the Final Office Action are believed to have been addressed. Favorable action is respectfully requested.
PAYMENT SECTION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
TOTAL FEES DUE	650
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/Rachel Santarlas/
SIGNATORY'S NAME	Rachel Santarlas
SIGNATORY'S POSITION	Attorney, NJ bar member
SIGNATORY'S PHONE NUMBER	973-530-2064
DATE SIGNED	09/09/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Sep 09 16:34:16 EDT 2015
TEAS STAMP	USPTO/RFR-75.147.90.225-2 0150909163416761232-76705 226-5409e93be1f1dfb14dcd9 749c9a724bfdb70dfe702a99e edb256ace6f3dd10e9-CC-340 0-20150909160933039723

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **76705226** BEE LEAF (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/76705226/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 018 for Tote bags, wine bags, hand bags, sport bags, back packs, toiletry cases, empty cosmetic bags, yoga bags; insulated bags/containers for use with food and beverage; paper goods/printed matter, namely, posters, greeting cards, small and large notebooks, bumper stickers, stationery, protective covers for books; clothing, namely, t-shirts, sweatshirts, hats, caps, pants, shorts, socks, scarves, mittens; children's and baby clothing, namely, shirts, pants, shorts, rompers, pajamas, jackets, bibs, yoga clothing, bandannas, zipper pulls; doll accessories, namely, bags; and tire covers

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Tote bags, wine bags, hand bags, sport bags, back packs, toiletry cases, empty cosmetic bags, yoga bags;~~ Tote bags, wine bags with handles for carrying or holding wine, handbags, sport bags, back packs, toiletry cases sold empty, empty cosmetic bags, yoga bags namely general purpose bags for carrying yoga equipment.; ~~insulated bags/containers for use with food and beverage; paper goods/printed matter, namely, posters, greeting cards, small and large notebooks, bumper stickers, stationery, protective covers for books; clothing, namely, t-shirts, sweatshirts, hats, caps, pants, shorts, socks, scarves, mittens; children's and baby clothing, namely, shirts, pants, shorts, rompers, pajamas, jackets, bibs, yoga clothing, bandannas, zipper pulls; doll accessories, namely, bags; and tire covers~~

Class 018 for Tote bags, wine bags with handles for carrying or holding wine, handbags, sport bags, back packs, toiletry cases sold empty, empty cosmetic bags, yoga bags namely general purpose bags for carrying yoga equipment.

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant hereby adds the following class of goods/services to the application:

New: Class 021 for Insulated bags and containers for use with food and beverage for domestic use.

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant hereby adds the following class of goods/services to the application:

New: Class 026 for Zipper pulls.

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

ADDITIONAL STATEMENTS

Color Claim

The color(s) green and black is/are claimed as a feature of the mark.

Description of mark

The mark consists of the words BEE LEAF in black with a green and black leaf sprouting from the "L" in LEAF.

Miscellaneous Statement

This Request for Reconsideration is being submitted in response to the Final Office Action dated March 10, 2015. The time period for Response extends to and includes September 10, 2015. Applicant has simultaneously filed a Notice of Appeal and has requested suspension thereof, pending the review of this Request for Reconsideration. In the Final Office Action, the Examining Attorney raised a number of issues with respect to the subject goods covered by the Application, as well as the color claim and color description of the subject mark. In response, Applicant has added the goods in International Class 21 and 26 to the Application, namely, insulated bags and containers for use with food and beverage for domestic use and zipper pulls, respectively. Applicant has also submitted the requisite government filing fee in support of same. Applicant also amended the goods in International Class 18 as the Examining Attorney requested. Lastly, as Applicant is claiming color as a feature of the subject mark, Applicant has amended the Application to submit the requisite color claim and revised description for the subject mark, as provided by the Examining Attorney. All issues raised in the Final Office Action are believed to have been

addressed. Favorable action is respectfully requested.

FEE(S)

Fee(s) in the amount of \$650 is being submitted.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /Rachel Santarlas/ Date: 09/09/2015

Signatory's Name: Rachel Santarlas

Signatory's Position: Attorney, NJ bar member

Signatory's Phone Number: 973-530-2064

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

RAM Sale Number: 76705226

RAM Accounting Date: 09/10/2015

Serial Number: 76705226

Internet Transmission Date: Wed Sep 09 16:34:16 EDT 2015

TEAS Stamp: USPTO/RFR-75.147.90.225-2015090916341676

1232-76705226-5409e93be1f1dfb14dcd9749c9

a724bfdb70dfe702a99eedb256ace6f3dd10e9-C

C-3400-20150909160933039723

RAM SALE NUMBER: 76705226
RAM ACCOUNTING DATE: 20150910

INTERNET TRANSMISSION DATE:
2015/09/09

SERIAL NUMBER:
76/705226

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2015/09/09	325	2	650